

SENATE JOINT RESOLUTION 107

By Ketron

A RESOLUTION to oppose a “National School Board.”

WHEREAS, a strong system of public education is critical to the future of the state of Tennessee; and

WHEREAS, the Constitution of the State of Tennessee “recognizes the inherent value of education and encourages its support” and authorizes the General Assembly to “provide for the maintenance, support and eligibility standards of a system of free public schools”; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reserves to the States all “powers not delegated to the United States by the Constitution”; and

WHEREAS, the state of Tennessee is solely responsible for maintaining an excellent public school system in the State of Tennessee; and

WHEREAS, the United States Congress authorized the establishment of the U.S. Department of Education as a federal cabinet level agency in the Department of Education Organization Act of 1979 (Pub. L. No. 96-88); and

WHEREAS, section 103(a) of the Department of Education Organization Act of 1979 (Pub. L. No. 96-88) declares that “the establishment of the [U.S.] Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States”; and

WHEREAS, section 103(b) of the Department of Education Organization Act of 1979 (Pub. L. No. 96-88) prohibits the U.S. Secretary of Education and any other officer of the U.S. Department of Education from exercising “any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution,

school, or school system...or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law”; and

WHEREAS, over the past twenty years, federal laws, including the Improving America’s Schools Act of 1994 (Pub. L. No. 103-382), the No Child Left Behind Act of 2001 (Pub. L. No. 107-110), the Race to the Top competitive grant program from the 2009 stimulus program, and the current U.S. Secretary of Education’s use of conditional waivers under No Child Left Behind have exceeded the appropriate role of the U.S. Department of Education and, in effect, resulted in what amounts to a national school board run by the U.S. Department of Education; and

WHEREAS, at a U.S. Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies hearing on April 30, 2014, Senator Lamar Alexander of Tennessee said “it’s clear to me that Congress says no national school board” and asked U.S. Secretary of Education Arne Duncan to “please explain to me how using your waiver authority [under No Child Left Behind] to place conditions on states about common standards, about performance targets, about teacher evaluation systems that are not otherwise required by federal law, and in the case of standards...is prohibited by the law – how does that not amount to, in effect, a national school board”; and

WHEREAS, decisions about how to improve elementary and secondary education are best left to the responsibility of states and local communities; and

WHEREAS, states and local school systems should be free from federal mandates, rules, and requirements concerning academic standards and tests, performance targets for student achievement expectations, accountability systems to determine which schools are succeeding or failing, teachers and principal evaluation systems to measure the effectiveness of school personnel, and other educational matters; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we hereby urge Congress to stop what amounts to the imposition of a national school board, end the decades of federal intrusion in state and local education policy

decisions, and eliminate burdensome federal education mandates on States and local school systems.

BE IT FURTHER RESOLVED, that we also urge Congress to act as quickly as possible to pass legislation that would place responsibility for helping our children learn squarely where it ought to be – on states and communities – by getting Washington out of the way of judgments about standards, tests, curricula, teacher evaluations, and other policy decisions in our public schools.

BE IT FURTHER RESOLVED, that appropriate copies of this resolution be transmitted to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of the Tennessee Congressional delegation.